



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the health of her citizens. To care for them when actually sick, her public treasury and her private purses are open with a lavish liberality; but to keep them well, to give to their children fresh air, a decent habitation, and a reasonable protection from disease, she somehow, by some strange obliquity, does not consider her duty. The constituted authorities, especially in her proudest city, have been most urgently appealed to by their own medical counsel, men in whose wisdom and integrity they had entire confidence, but they disregarded their appeals, and calmly saw them, mortified and disappointed, turn from their labors, which, sadly as it sounds, they had found utterly unavailing.

Self-preservation, no less than humanity, points to the State Board of Health as the only reliance under these circumstances. That they will display the same judgment and efficiency in removing that they have in detecting the causes of danger we have no doubt.

7. — *Curiosities of the Law Reporters.* By FRANKLIN FISKE HEARD.
Boston: Lee and Shepard. 1871.

THIS entertaining little book contains many of the stories which have amused successive generations of lawyers, traced to their sources. We know of no other such collection, for though Mr. Wallace has given some specimens of the quaint style of the old reporters, they are merely thrown in by the way; and some very modern cases cited by Mr. Heard are equally good. Witness the remark on Reid's case, the first in the book: "Reid and McGuire were both victims of the same accident, which, though melancholy, has settled the law." Some of the best known anecdotes, however, do not seem to be authenticated; for instance, the following, which is too good not to be true: "A searcher after something or other, running his eye down the index of a law book through letter B, arrived at the reference, 'Best, Mr. Justice, his great mind.' Desiring to be better acquainted with the particulars of this assertion, he turned to the page referred to and there found, to his entire satisfaction, 'Mr. Justice Best said he had a great mind to commit the witness for prevarication.'" This specimen of index-making is almost equalled by that in the last English edition of Smith's *Leading Cases*: "EAGLE'S EYES — Court will not always look with."

The book does not, of course, pretend to completeness, and there are some notable omissions. A curious case, not given by Mr. Heard, is that in which an ecclesiastical chancellor, Archbishop Morton, threatened a defendant with punishment in the next world, as the common

law could not reach him in this. The suit was against an executor who had released a debt due to the testator without the assent of his co-executor. It was argued that the law gave no remedy against such an act. "*Chancellor*. I know well that every law is, or of right ought to be, according to the law of God; and the law of God is, that an executor who is of evil disposition shall not expend all the property; and I know well that if he does so, and does not make amends, or is not willing to make restitution if it be in his power, he shall be damned in hell." (4 H. VII. 5 a.)

The English reports, however, seem on the whole to have been pretty thoroughly searched; but very little has been done for the American. We have, to be sure, Chief Justice Redfield's immortal comparison of a decision to "the sophistry of the ancient schoolmen, by which it was attempted to be proved, by syllogistic reasoning, that in a foot-race Hercules never could overtake the lobster"; but there is no reference to Wallace's Reports, which contain some curiosities the like of which never saw the light in any law book before. The report of the prize case of *The Bermuda*, 3 Wall. 514, is perhaps as prolix and irrelevant as anything ever printed, but is rather amusing. A complete list of passengers, crew, and cargo is given. "A few memoranda were found aboard; a part of one may serve for an illustration; from the perceptiveness with which harmonic colors are prescribed, and the dainty size and quality of the gloves, '6¾ best,' obviously a lady's." Then comes an invoice of kid gloves. The passenger list is also given in detail, and includes, in the reporter's words, "certain gentlemen perfectly well known in circles of gentility and pleasure both North and South; among these was the late amiable Mr. John Julius Pringle, a gentleman of education and fortune, resident at South Carolina during the winter, but at Newport, R. I., in summer, and in that agreeable resort of taste and fashion by many pleasingly and with regrets remembered." This style of reporting law points is so original as to merit at least a notice. So of the opinions of that eminent jurist, Mr. Justice Lumpkin of Georgia, whose reported decisions are wonderful indeed. Here are a few extracts from one which breathes the free American spirit, untrammelled by precedent, in most glowing periods. Thus does the most learned judge express his disapproval of the doctrine that a writ of error needs a seal (*Lowe v. Morris*, 13 Ga. 147):—

"I can scarcely suppress a smile, I will not say grimace irresistible, when I see so much importance attached to trifles. I scorn to be a 'cerf adscript' (*sic*) to things obsolete or thoroughly deserving to be so. . . . Pres. Pendleton states that there was a period when the impression [on a seal] was made with the eye-tooth, and thinks that there was some utility in the cus-

tom, since the tooth's impression was a man's own, and presented a test in case of forgery. But this reason does not hold true in this epoch of dentistry, when no man's tooth is his own. . . . I admit that old things may be good things, as old wine, old wives, ay, and an old world. But the world is older and consequently wiser now than it ever was before. . . . Let the legislative and judicial axe be laid to the root of the tree; cut it down, why cumbereth it any longer courts and contracts?"

We hope Mr. Heard will look more carefully into the American, and especially the Georgia reports, before publishing a second edition.

8. — *A Topographical and Historical Description of Boston.* By NATHANIEL B. SHURTLEFF. Boston: Printed by Request of the City Council. 1871. 8vo. pp. 720.

THERE are books of topography and local history more amusing than this, but we should not know where to look for another so complete. Lord Macaulay has made us acquainted with the surroundings of London, as they were when woodcocks were shot on the site of Belgravia, and Montague House, the British Museum of these latter days, stood among pastures and cornfields. But Lord Macaulay never saw the muster-rolls of Hengist and Horsa; still less could he point out the spots on Ludgate Hill where stood the first shanties that stored the harvests of Kent for barter with Baltic iron. Virgil sang of the tame warblers that made the loneliness of the Tiber noisy when the keels of Æneas first ploughed up its yellow flood. But this was Virgil's imagination conjuring up the scene, not his knowledge depicting it. Dr. Shurtleff (no more a Virgil than a Macaulay) undertakes to narrate the primordial as well as the later story of a town, among the oldest of the New World, which has become a somewhat noted scene of commerce, wealth, and culture. He pretends to tell it with authentic details, from the time when William Blackstone lived alone, on Shawmut, by the generous spring now dry in Louisburg Square, — through the times when the English inhabitants who came next rejoiced in the facilities they found for fencing out the wolves and foxes from their folds and hen-roosts, — through the times when the obstinate townsmen were hunted by Quakers, and turned upon them savagely, — through the times when Boston deposed a king's governor, anticipating the news of the Revolution which put an end to the royal line of Stuart, — through the times when it blazed with bonfires for the fall of Louisburg and the conquest of Canada, — through the times of the Stamp Act riots, the destruction of the East India Company's tea, the *Masacre* in State Street, and the battles of Concord and Bunker Hill.